

Pleas in law

- Infringement of Articles 7(1)(c) and 7(3) of Regulation No 207/2009.

Action brought on 1 February 2017 — Italytrade v EUIPO — Tpresso (tèspresso)**(Case T-67/17)**

(2017/C 104/79)

*Language in which the application was lodged: Italian***Parties***Applicant:* Italytrade Srl (Bari, Italy) (represented by: N. Clemente, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Tpresso SA (Zurich, Switzerland)**Details of the proceedings before EUIPO***Applicant for the trade mark at issue:* Applicant*Trade mark at issue:* European Union word mark 'tèspresso' — Application for registration No 13 543 517*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 29 November 2016 in Case R 959/2016-4**Form of order sought**

The applicant claims that the Court should:

- alter the contested decision as provided for in Article 65(3) of Regulation No 207/2009 and in any case according to existing rules;
- order, pursuant to Article 134 of the Rules of Procedure of the General Court, EUIPO and the interveners, if any, to pay the costs incurred by Italytrade Srl in the present proceedings;
- alter the decision also with regard to the order for costs and order, pursuant to Article 134(1) of the Rules of Procedure of the General Court, EUIPO and the unsuccessful intervener to pay the costs incurred before the Board of Appeal and the Opposition Division.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Article 8(5) of Regulation No 207/2009.

Action brought on 1 February 2017 — Italytrade v EUIPO — Tpresso (teaespresso)**(Case T-68/17)**

(2017/C 104/80)

*Language in which the application was lodged: Italian***Parties***Applicant:* Italytrade Srl (Bari, Italy) (represented by: N. Clemente, lawyer)